

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JOSHUA J. BELOW

by his Guardian, DEBRA BELOW,

CHARLIE ELIZABETH BELOW., a minor

By her Guardian ad Litem, DANIEL A. ROTTIER,

PATRICK JOSHUA BELOW., a minor

by his Guardian ad Litem, DANIEL A. ROTTIER,

CASE NO.: 3:15-cv-00529-wmc

Plaintiffs,

DEAN HEALTH PLAN, INC.

Involuntary Plaintiff,

v.

STAR BLUE BELOW-KOPF

Intervening Plaintiff,

v.

YOKOHAMA TIRE CORPORATION,

ABC INSURANCE COMPANY,

YOKOHAMA CORPORATION OF AMERICA,

DEF INSURANCE COMPANY,

YOKOHAMA CORPORATION OF NORTH AMERICA,

GHI INSURANCE COMPANY,

YOKOHAMA TIRE MANUFACTURING VIRGINIA, LLC.,

JKL INSURANCE COMPANY,

YOKOHAMA RUBBER COMPANY, LTD.,

MNO INSURANCE COMPANY.

Defendants

**AFFIDAVIT OF DANIEL A. ROTTIER IN SUPPORT OF
PLAINTIFFS' MOTIONS IN LIMINE**

STATE OF WISCONSIN)
)SS.
COUNTY OF DANE)

DANIEL A. ROTTIER, being first duly sworn on oath, deposes and states as follows:

1. I am one of the attorneys for the Plaintiffs in this matter and make this Affidavit in support of Plaintiffs' Motions in Limine.
2. Plaintiffs served all Yokohama defendants with the same written discovery. In response to that discovery, as to exhibits attached below, all defendants adopted the responses of defendant Yokohama Tire Corporation.
3. Attached hereto as Ex. A are true and correct copies of excerpts from Defendant Yokohama Tire Corporation's Objections and Response to Plaintiffs' First Interrogatories.
4. Attached hereto as Ex. B are true and correct copies of excerpts from Defendant Yokohama Tire Corporation's Objections and Response to Plaintiffs' First Requests for Production of Documents.
5. Plaintiffs objected to certain responses as inadequate and, after discussion between counsel, defendants agreed to supplement their responses. Attached hereto as Ex. C are true and correct copies of excerpts from a February 16, 2016 letter from Attorney Rafe C. Taylor to all counsel supplementing Defendant Yokohama Tire Corporation's Objections and Responses to Plaintiffs' First Interrogatories and Requests for Production of Documents. In Ex. C, defendants expressly agreed to further supplement certain responses.
6. Defendants recently supplemented their discovery responses and Rule 26 disclosures. Attached hereto as Exhibit D is a true and correct copy of Defendant's b. Yokohama Tire Objections and Supplemental Response to Plaintiffs' First Interrogatories.
7. Plaintiffs have recently learned of the existence of three prior lawsuits involving tread separations and defendants' G051 tires but cannot conduct discovery to learn of the details of these suits given the imminent discovery deadline and the upcoming trial date.

8. On January 25, 2017, defendants' counsel forwarded an email to me listing the witnesses defendants intend to call at trial. The list included a name not previously disclosed in discovery, Thomas Griffing. In response to my inquiry about this new witness, defendants asserted that Mr. Griffing was their "corporate representative" and added:

Mr. Griffing is the Manager Corporate Quality Assurance, for Yokohama Corporation of North America who may offer testimony generally in the areas of product development, product design, product manufacture, product performance standards/characteristics, and warranty return systems and policies. He may also rebut evidence offered by Plaintiffs and/or other experts and witnesses in this case.

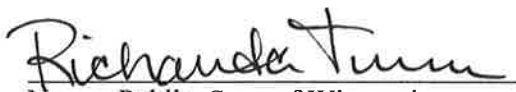
After conversing with defendants' counsel, defendants' counsel again emailed me, advising that Mr. Griffing would be attending the trial as defendants' corporate representative and: "If he is called to testify at trial by the defense as the Yokohama defendants' designated corporate representative, he will called as a fact witness to give fact testimony based on his personal knowledge."

9. Attached hereto as Ex. E is a true and correct copy of the expert report of defendants' biomechanical expert, Jeffrey B. Wheeler.
10. Attached hereto as Ex. F is a true and correct copy of Mr. Wheeler's CV.
11. Attached hereto as Ex. G is a true and correct copy of the deposition of Jeffrey B. Wheeler.
12. Attached hereto as Ex. H is a true and correct copy of the deposition of Joseph L. Grant.



Daniel A. Rottier

Subscribed and sworn to before me
this 27th day of January, 2017.


Notary Public, State of Wisconsin
My Commission: 3/8/19

